

REMARKS

Applicants reply to the Office Action mailed on October 19, 2005, within two months. Thus, Applicants request an Advisory Action, if necessary. Claims 1-10, 12, 15-27, 29-42 and 44-49 were pending in the application and the Examiner rejects claims 1-10, 12, 15-27, 29-42 and 44-49. Reconsideration is respectfully requested. No new matter is added by this Reply.

Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejects claims 1-10, 12, 15-27, 29-42 and 44-49 under 35 U.S.C. § 103(a) as being unpatentable over Hoshino, U.S. Patent No. 6,636,620, (“Hoshino”) in view of Maritzen et al, U.S. Patent Application No. 2002/0191816 (“Maritzen”) and Moebs, U.S. Patent Application No. 2005/0065872 (“Moebs”). Applicants respectfully traverse these rejections.

The Examiner claims that Hoshino’s system “is intended to be applied in the realm of such transaction systems [ATMs].” (Page 3). Applicants assert that Hoshino teaches proffering fingerprints at client terminals (col. 4, lines 30-44), wherein the terminals “compare information related to a sensed fingerprint with stored fingerprint information on the IC card,” wherein the stored fingerprint information is associated with personal information (col. 4, 45-54). Hoshino’s discussion of “transaction systems” involves providing “a personal identification authenticating system for use in a terminal that can request both an exclusive service and open service to a user” (col. 2, lines 42-49). As such, Hoshino is limited to the end goal of accessing a computer or ATM terminal. Hoshino does not teach or suggest at least “[a] smartcard transaction system configured with a biometric security device...to facilitate a smartcard payment transaction,” as similarly recited by independent claims 1 and 35.

Further, Hoshino limits such personal information to information related to an ID number and a fingerprint of a user associated with only one account (col. 1, lines 33-42; col. 4, lines 20-23; col. 4, lines 40-43, col. 6, lines 32-36). As such, as the Examiner correctly states with respect to Hoshino “[L]acking is an association of a particular fingerprint sample with a particular account.” (Page 5).

The Examiner then states that Maritzen "teaches...that a fingerprint sample can be associated with an individual account." (Page 5). Maritzen generally discloses a system and method for entering information through biometric identifiers, wherein each biometric identifier is associated with a different account. (FIG. 6A). However, the Examiner correctly states that "Maritzen associates a single account with a fingerprint, not multiple accounts, as is claimed." (Page 5). The Examiner then cites Moebs for teaching "that one credit account may be linked with others." (Page 6).

Applicants assert that Moebs is limited to methods for identifying the risk associated with a new or ongoing relationship. That is, Moebs involves performing credit checks for overdraft protection purposes. (Paragraphs 30-32). While Moebs mentions tying "the customer's checking account to one or more of the customer's other accounts such as the customer's deposit accounts" (paragraph 17), there is no motivation to combine Moebs with Maritzen or Hoshino, because Moebs does not disclose or suggest using smartcards or biometric security.

For example, a phone can be used to perform a transaction (e.g., performing a credit check), wherein a user may be prompted to enter a PIN on the phone keypad to facilitate that transaction. However, it is not obvious, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings to modify the phone to accept biometrics instead of a PIN. That is, biometric sensor technology is far more complicated than PIN technology, and processing a biometric sample requires much more complex hardware and software than a phone keypad. For example, biometric technology requires complex biometric sensors such as a capacitance scanner, an optical scanner, a pressure sensor, a motion sensor, body heat sensors and the like. Biometric technology additionally requires more complex computing systems, a more extensive power source, and complex databases for accessing and sorting biometrics. Moebs does not disclose or suggest a phone having a computing system, battery or database that is capable of handling the requirements of biometric sensor technology.

Further, Moebs does not disclose or suggest fingerprint samples or associating fingerprint samples with two different accounts, nor is there motivation to combine Moebs with Maritzen or

Hoshino to achieve this. For example, in order to verify a PIN, usually only 4-8 digits (i.e., data points) need to be verified. In contrast, a biometric contains thousands to millions of data points that are far more complicated and complex. Thus, it is not obvious, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine Moebs with either Maritzen or Hoshino to primarily associate with a first user account and secondarily associate with a second user account. As such, neither Moebs, Maritzen, Hoshino, nor any combination thereof, disclose or suggest at least "said registered fingerprint sample is primarily associated with a first user account and secondarily associated with a second user account, and wherein said second user account is different than said first user account," as similarly recited in independent claims 1, 22 and 35.

Claims 2-10, 12, 15-27, 29-42 and 44-49 variously depend from independent claims 1, 22 and 35. Therefore, Applicants assert that claims 2-10, 12, 15-27, 29-42 and 44-49 are differentiated from the cited references at least for the same reasons as set forth above, in addition to their own respective features.

Applicants submit that the pending claims are in condition for allowance. **The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814.** Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the present application in general.

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